

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 JOSHUA A. GERSTEIN,

No. C-06-4643 MMC

12 Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION TO REQUIRE FURTHER
STATUS REPORT FROM DEFENDANT
FBI**

13 v.

14 CENTRAL INTELLIGENCE AGENCY, et al.,

(Docket No. 44)

15 Defendants.

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17 Before the Court is plaintiff's motion, filed July 2, 2007, to require defendant Federal
18 Bureau of Investigation ("FBI") to file a further report regarding the status of its expedited
19 processing of plaintiff's request under the Freedom of Information Act ("FOIA").
20 Defendants have filed opposition to the motion; plaintiff has filed a reply. Having
21 considered the papers filed in support of and in opposition to the motion, the motion is
22 hereby GRANTED, as follows:

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- 24 1. No later than August 31, 2007, the FBI shall file a further status report identifying
(1) each agency, component, or other governmental entity to whom there is a pending
referral from the FBI for processing of documents relating to plaintiff's FOIA request; and
(2) the number of pages and documents referred to each such agency, component, or
other governmental entity. See 28 C.F.R. § 16.4(f) ("Whenever a component refers all or
any part of the responsibility for responding to a request to another component or agency, it

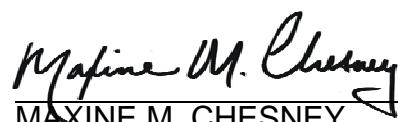
1 ordinarily shall notify the requester of the referral and inform the requester of the name of
2 each component or agency to which the request has been referred and of the part of the
3 request that has been referred."). The Court is unpersuaded by the FBI's conclusory
4 contention that providing such information to plaintiff "could reveal . . . classified
5 information." (See Opp. Ex. 1 (Hardy Decl.) ¶ 6.)

6 2. No later than August 31, 2007, the FBI shall file a declaration from a competent
7 official of each agency, component, or other governmental entity to whom there is a
8 pending referral from the FBI for processing of documents relating to plaintiff's FOIA
9 request. Each such declaration shall set forth when the referred documents were received
10 from the FBI, the extent of the processing that has been undertaken to date, what further
11 processing is required, when processing is expected to be completed, and what, if any,
12 expedited treatment has been afforded to the referral.

13 3. No later than seven days after the processing of all of the above-referenced
14 pending referrals has been completed, the FBI shall file a notice so informing plaintiff and
15 the Court. No later than fourteen days after the filing of such notice, the parties shall file a
16 joint status report setting forth a proposed schedule for the filing and briefing of motions
17 regarding the adequacy of all defendants' responses with respect to the withholding of
18 documents from files of individual leak investigations.

19 **IT IS SO ORDERED.**

20 Dated: August 14, 2007



MAXINE M. CHESNEY
United States District Judge

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